

From: Tim Jones
To: Microsoft ATR
Date: 12/31/01 5:03am
Subject: Proposed Settlement Comments

To Whom it may Concern:

I believe the proposed settlement currently being considered is woefully incomplete, for the following reasons:

- *) It simply does not address enforcement or punishments, nor even attempt to. The DOJ should know from past experience (the 1995 Consent Decree) that they'll simply continue business as usual. The DOJ's failure to curb Microsoft's vicious behavior would be similar to allowing Usama bin Laden to continue his pre-September activities.
- *) Past wrongs are not assigned any kind of monetary amount. The damages can easily be valued in the tens or hundreds of billions, when you try to fathom the losses caused by crashes, prolonged downtime, endless viruses, insecure software, increased costs, decreased choices, entire sub-industries of software absolutely devastated, jobs lost, and entire generations of computer users who are terrified to use more than a small set of their their PC's capabilities. Microsoft alone has set back the information age at least 20 years back from where it would have been otherwise.
- *) If a breakup is still anywhere on the radar screen, let me add these observations:

Two, 3 or even 5 or 10 subdivisions of Microsoft based on any conceivable lines (product line, industry, etc) would not be enough to keep them from pooling their resources together in a way harmful to everyone but themselves in the future. Put succinctly, every single line of business must be cordoned off from all others, unable to communicate with the others.

Each business unit must be forcibly held separate and not have the authority to engage in any business deals beyond producing and selling their products on uniform terms. That means no 'partnering', no 'affiliates', no 'reseller', no product tying, no discounts of any kinds. Each of these devices they have ruthlessly employed to further the monopoly.

- *) The very freedom of individuals and companies to choose their technologies that run their lives and businesses is at stake. The ability of users to choose their own software, in all devices (especially those smaller than PCs), is the one thing that will save us from routine daily acts of privacy invasion

and further exploitation of the public from all large companies.
Microsoft has never willingly indulged the users in any meaningful
kind of choice, and has proven time and again, that
THEY CANNOT BE TRUSTED.

Their file formats, network protocols and media codecs are all
tools used to hinder creativity and freedom - they must be forced
to publish and document them for ALL PARTIES to see, FREE OF CHARGE.
Anything less will result in another market for them to own outright,
either through restricting to (their definition of) 'legitimate
businesses parties' or outrageous licensing fees.

In this country, we do not let the Al Capones of the world run free,
keep their money, and continue their business practices and reigns of
terror. The current proposal would let them do just that.

Tim

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